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SEA

SERVICE DATE – JULY 11, 2006

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-6 (SUB NO. 441X)

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN KOOTENAI, ID

BACKGROUND

In this proceeding, the BNSF Railway Company (BNSF) filed a notice of exemption pursuant to 49 C.F.R. 1152.50 to abandon 2.12 miles of railroad line between Milepost 12.33 and Milepost 14.45, in Coeur d'Alene in Kootenai County, Idaho. A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way.

ENVIRONMENTAL REVIEW

The railroad submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The railroad served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the environmental record in this proceeding.

According to BNSF, this line has been out of service for more than two years. Consequently, the proposed abandonment would cause no diversion of passengers or freight to other transportation systems or modes. Because the line has handled no local or overhead traffic during the last two years, the proposed abandonment would not affect the transportation of energy resources or recyclable commodities, and would not result in an increase in overall energy efficiency.

BNSF states that it is aware of no inconsistencies of the proposed action with existing land use plans. BNSF maintains that any emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

According to BNSF, the proposed abandonment should have no adverse effect on health or public safety. There are three public crossings and no private crossings on the line. BNSF

states that during any salvage activities, precautions will be taken to ensure public safety, and contractors will be required to satisfy all applicable health and safety laws and regulations. BNSF states that there are no known hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way.

The U.S. Fish and Wildlife Service has determined that it does not anticipate project-related effects to threatened or endangered species. The Bureau of Land Management states that it does not administer any Federal lands along the line. According to BNSF, the proposed abandonment would be consistent with applicable Federal, state and local water quality standards. The Idaho Department of Environmental Quality states that it does not appear that the proposed abandonment will take place in or near waters of the State of Idaho. Also, the U.S. Environmental Protection Agency indicates that salvage activities associated with the proposed abandonment should have no effect on water quality and will not require a permit under Section 402 of the Clean Water Act. The United States Army Corps of Engineers (USACE) states that the project as proposed does not require a USACE 404 permit. The Natural Resources Conservation Service indicates that the proposed action by BNSF is not subject to the Farmland Policy Act.

HISTORIC REVIEW

BNSF submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Idaho State Historic Preservation Office (SHPO), pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that no historic properties listed in or eligible for inclusion in the *National Register of Historic Places* (National Register) would be affected by the proposed abandonment. We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the section 106 process of the National Historic Preservation Act at 36 CFR 800.4(d)(1) and 36 CFR 800.8, we have determined that the proposed abandonment will not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(d), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

SEA conducted a search of the Native American Consultation Database at www.cast.uark.edu/other/nps/nacd/ to identify Federally recognized tribes that may have ancestral connections to the project area. The database indicated that the Coeur D'Alene Tribe of the Coeur D'Alene Reservation, Idaho; and the Kalispel Indian Community of the Kalispel Reservation, Washington may have an interest in the proposed abandonment. Accordingly, SEA is sending a copy of this EA to these tribes for their review and comment.

CONDITIONS

No environmental conditions are recommended.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, abandonment of the line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, a portion of the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the class exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Phillis Johnson-Ball, who prepared this environmental assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-6 (Sub. No. 441X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this environmental assessment, please contact Phillis Johnson-Ball, the

environmental contact for this case, by phone at (202) 565-1530, fax at (202) 565-9000, or e-mail johnson-ballp@stb.dot.gov.

Date made available to the public: July 11, 2006.

Comment due date: July 26, 2006.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment